

REMARKS

Claims 46 to 90 are pending in the present application. Claims 1-45 have been canceled previously.

Claims 46 - 90 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

Claim 46 has been amended to eliminate the phrase that introduced ambiguity into the claim.

Claims 46-90 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-45 of U. S. Patent No. 6,635,658.

A terminal disclaimer in compliance with CFR 37 §1.321(c) has been filed with the present amendment.

CONCLUSIONS

The claims in the present application are now believed in condition for allowance and favorable review and issue of a Notice of Allowance is respectfully requested. The attached Fees Transmittal authorizes the fee under 37 CFR §1.20(d) for filing the terminal disclaimer and any additional fees which may be due with the present response to Deposit Account 18-1700. The Examiner is invited to contact the undersigned if any additional information is required.

Respectfully submitted,



By: Brian L. Buckwalter
Registration No. 46,585
Agent for Applicants

March 9, 2004

Roche Palo Alto LLC
3431 Hillview Avenue,
Palo Alto, CA 94304-1397
Telephone 650-855-6995
Telecopier 650-855-5322